

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ABDUL M. ODEM,

Plaintiff,

OFFICER WAYNE FISHER, et al.,

Defendants.

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NO. 3:04-0888
JUDGE HAYNES

ORDER


Before the Court is the Defendants' motion for summary judgment (Docket Entry No. 27) except for Defendant John Mallery who has not been served.

Also before the Court is the Report and Recommendation (Docket Entry No. 33) of the Magistrate Judge that the Defendants' motion for summary judgment be granted and that Defendant Mallery be dismissed. Plaintiff has not responded to the motion for summary judgment or the Report and Recommendation.

Pursuant to Fed. R. Civ. P. 72(b), the Court **ADOPTS** the Report and Recommendation and pursuant to Fed. R. Civ. P. 41(b), this action is **DISMISSED** with prejudice.

It is so **ORDERED**.

ENTERED this the 12th day to October, 2005.


WILLIAM J. HAYNES, JR.
United States District Judge